HARVARD LAW REVIEW

VOLUME 92

1978—1979

Copyright © 1978, 1979

THE HARVARD LAW REVIEW ASSOCIATION

CAMBRIDGE, MASS.

Editorial Board

David W. Leebron, *President*

John G. Roberts, Jr.
Managing Editor

Charles E. Davidow
Treasurer

Robert I. Kantowitz
Executive Editor

Allan J. Arffa
Bridget Arimond
Thomas D. Balliett
Stephen H. Bandeian
Jeffrey N. Barr
Michael A. Barrett
James E. Berliner
James M. Braden
Andrew R. Brownstein
Brian G. Cartwright
Michael A. Clark
Lindsay A. Conner
Christopher P. Davis
John G. Douglass
W. Randy Eaddy
Adam D. Eilenberg
Lawrence A. Eppler
Stephen H. Galebach
Ralph D. Gants
John V. Geise
Jane Ginsburg
Stephen I. Glover
Robert L. Goodman
Timothy R. Harner
Frank S. Holleman III
Carl M. Jenks
Bruce G. Joseph
William J. Kayatta, Jr.
Kenneth C. Kettering
John S. Kiernan
Jeffrey B. Kindler
Andrew R. Kislik
Joseph B. Kittredge
Harold Hongju Koh
Kathiann Kowalski
Wendy F. Liebow
James C. T. Linfield
R. D. Luskin
David H. M. Matheson
Michael G. Meissner
Thomas B. Metzloff
Marla J. Miller
Milton A. Miller
Winthrop G. Minot
Paul Mogin
Joseph Moodhe
Gerald Neuman
John T. Nockleby
Michael S. Novey
Adebayo O. Ogunlesi
Susan C. Orlansky
Randel E. Phillips
Robert M. Pozin
Daniel L. Rashin
Steven Reed
Richard L. Robbins
Paul K. Rowe
Elizabeth S. Runyan
Bernard L. Russell
James D. Schlichting
David J. Schraa
John E. Sexton
Jeffrey T. Sheffield
Richard Warren Shepro
Steven D. Singer
George W. Soule
George T. Spera, Jr.
Thomas P. Storer
Ellen Sward
Kaye A. Thomas
Victor Thuronyi
Hayden J. Trubitt
Larry Vilardo
Rachel Vorspan
Douglas L. Wald
David B. Wilkins
Daniela Winkler

Printed in U.S.A.

Harvard University Printing Office
Cambridge, Mass.

TABLE OF LEADING ARTICLES AND COMMENTS — AUTHORS

PAGE

BREYER, STEPHEN. *Analyzing Regulatory Failure: Mismatches, Less Restrictive Alternatives, and Reform* 547

CLARK, ROBERT CHARLES. *The Regulation of Financial Holding Companies* . 787

COOGAN, PETER F. *Security Interests in Investment Securities Under Revised Article 8 of the Uniform Commercial Code* 1013

EISENBERG, MELVIN ARON. *Participation, Responsiveness, and the Consultative Process: An Essay for Lon Fuller* 410

ELY, JOHN HART. *Foreword: On Discovering Fundamental Values* 5

FULLER, LON L. *The Forms and Limits of Adjudication* 353

GRAETZ, MICHAEL J. *Implementing a Progressive Consumption Tax* . . . 1575

INMAN, ROBERT P. AND RUBINFELD, DANIEL L. *The Judicial Pursuit of Local Fiscal Equity* 1662

MILLER, ARTHUR R. *Of Frankenstein Monsters and Shining Knights: Myth, Reality, and the "Class Action Problem"* 664

NESSON, CHARLES R. *Reasonable Doubt and Permissive Inferences: The Value of Complexity* 1187

ROWE, THOMAS D., JR. *Abolishing Diversity Jurisdiction: Positive Side Effects and Potential for Further Reforms* 963

SIMON, DAVID AND NOVACK, GERALD A. *Limiting the Buyer's Market Damages to Lost Profits: A Challenge to the Enforceability of Market Contracts* . 1395

SUMMERS, ROBERT S. *Professor Fuller's Jurisprudence and America's Dominant Philosophy of Law* 433

TRIBE, LAURENCE H. *Perspectives on* Bakke*: Equal Protection, Procedural Fairness, or Structural Justice?* 864

TURNER, WILLIAM BENNETT. *When Prisoners Sue: A Study of Prisoner Section 1983 Suits in the Federal Courts* 610

TABLE OF LEADING ARTICLES AND COMMENTS — TITLES

PAGE

ABOLISHING DIVERSITY JURISDICTION: POSITIVE SIDE EFFECTS AND POTENTIAL FOR FURTHER REFORMS. *Thomas D. Rowe, Jr.* 963

ANALYZING REGULATORY FAILURE: MISMATCHES, LESS RESTRICTIVE ALTERNATIVES, AND REFORM. *Stephen Breyer* 547

FOREWORD: ON DISCOVERING FUNDAMENTAL VALUES. *John Hart Ely* . . . 5

FORMS AND LIMITS OF ADJUDICATION, THE. *Lon L. Fuller* 353

IMPLEMENTING A PROGRESSIVE CONSUMPTION TAX. *Michael J. Graetz* . . . 1575

JUDICIAL PURSUIT OF LOCAL FISCAL EQUITY, THE. *Robert P. Inman and Daniel L. Rubinfeld* 1662

LIMITING THE BUYER'S MARKET DAMAGES TO LOST PROFITS: A CHALLENGE TO THE ENFORCEABILITY OF MARKET CONTRACTS. *David Simon and Gerald A. Novack* 1395

PARTICIPATION, RESPONSIVENESS, AND THE CONSULTATIVE PROCESS: AN ESSAY FOR LON FULLER. *Melvin Aron Eisenberg* 410

PERSPECTIVES ON *Bakke*: EQUAL PROTECTION, PROCEDURAL FAIRNESS, OR STRUCTURAL JUSTICE? *Laurence H. Tribe* 864

PROFESSOR FULLER'S JURISPRUDENCE AND AMERICA'S DOMINANT PHILOSOPHY OF LAW. *Robert S. Summers* 433

OF FRANKENSTEIN MONSTERS AND SHINING KNIGHTS: MYTH, REALITY, AND THE "CLASS ACTION PROBLEM". *Arthur R. Miller* 664

REASONABLE DOUBT AND PERMISSIVE INFERENCES: THE VALUE OF COMPLEXITY. *Charles R. Nesson* 1187

REGULATION OF FINANCIAL HOLDING COMPANIES, THE. *Robert Charles Clark* . 787

SECURITY INTERESTS IN INVESTMENT SECURITIES UNDER REVISED ARTICLE 8 OF THE UNIFORM COMMERCIAL CODE. *Peter F. Coogan* 1013

WHEN PRISONERS SUE: A STUDY OF PRISONER SECTION 1983 SUITS IN THE FEDERAL COURTS. *William Bennett Turner* 610

NOTES

PAGE

Academic Freedom and Federal Regulation of University Hiring . . 879
Arab Boycott, The: The Antitrust Challenge of *United States v. Bechtel* in Light of the Export Administration Amendments of 1977 . . . 1440
Architectural Malpractice: A Contract-Based Approach 1075
Author's Artistic Reputation Under the Copyright Act of 1976, An . 1490
Blind Bidding and the Motion Picture Industry 1128
Campaign Contributions and Federal Bribery Law 451
Constitutional Analysis of State Bar Residency Requirements Under the Interstate Privileges and Immunities Clause of Article IV, A . 1461
Defendant's Right to Object to Prosecutorial Misuse of the Peremptory Challenge, The 1770
Developments in the Law — Corporate Crime: Regulating Corporate Behavior Through Criminal Sanctions 1227
Dual Standard for State Discrimination Against Aliens, A 1516
Enforcing the Right to an "Appropriate" Education: The Education for All Handicapped Children Act of 1975 1103
Government Neutrality and Separation of Church and State: Tuition Tax Credits 696
Horizontal Mergers After *United States v. General Dynamics Corp.* . . 491
Intracorporate Conspiracies Under 42 U.S.C. § 1985(c) 470
Multistate Plaintiff Class Actions: Jurisdiction and Certification . 718
Right to a Jury Trial in Complex Civil Litigation, The 898
Supreme Court, 1977 Term, The 57
Testimonial Waiver of the Privilege Against Self-Incrimination . . 1752

CASE COMMENTS

PAGE

APPEALABILITY OF ORDERS RELATING TO ONGOING JURY PROCEEDINGS: *In re April 1977 Grand Jury Subpoenas (General Motors Corp. v. United States)* 931

APPLICATION OF RULE 10b-5 TO "MARKET INSIDERS," THE: *United States v. Chiarella* 1538

Bivens ACTIONS FOR EQUAL PROTECTION VIOLATIONS: *Davis v. Passman* . . 745

COMPARATIVE LICENSE RENEWAL HEARINGS AND THE PROTECTION OF THE "PUBLIC INTEREST": *Central Florida Enterprises v. FCC* 1801

COMPTROLLER GENERAL'S AUTHORITY TO EXAMINE THE PRIVATE BUSINESS RECORDS OF GOVERNMENT CONTRACTORS, THE: *Eli Lilly & Co. v. Staats* . 1148

DUTY TO BARGAIN ABOUT TERMINATION OF OPERATIONS: *Brockway Motor Trucks v. NLRB* 768

FIRST AMENDMENT RIGHT TO DISSEMINATE DISCOVERY MATERIALS, THE: *In re Halkin* 1550

JURISDICTION TO REVIEW INFORMAL EPA INFLUENCE UPON STATE DECISIONMAKING UNDER THE FEDERAL WATER POLLUTION CONTROL ACT: *Shell Oil Co. v. Train* 1814

ILLEGALITY OF EAVESDROP-RELATED BREAK-INS, THE: *United States v. Finazzo* AND *United States v. Santora* 919

LIABILITY OF PUBLIC DEFENDERS UNDER SECTION 1983: *Robinson v. Bergstrom* 943

PAST DISCRIMINATION AND PRESENT VIOLATIONS OF TITLE VII: *Farris v. Board of Education* 757

"SUBSTITUTE FACILITIES" COMPENSATION FOR PRIVATE CONDEMNEES: *United States v. 564.54 Acres of Land* 514

TRANSFER OF THE PANAMA CANAL BY TREATY WITHOUT HOUSE APPROVAL: *Edwards v. Carter* 524

USE OF PRIOR UNCOUNSELED CONVICTIONS IN FEDERAL GUN CONTROL PROSECUTIONS, THE: *United States v. Lewis* 1790

VERTICAL AGREEMENTS TO TERMINATE COMPETING DISTRIBUTORS: *Oreck Corp. v. Whirlpool Corp.* 1160

BOOKS REVIEWED AND NOTED

PAGE

ABRAMOV: Perpetual Dilemma (Daniel Friedmann) 952
ARMOR: White Flight, Demographic Transition, and the Future of School Desegregation (Derrick A. Bell, Jr.) 1826
BORK: The Antitrust Paradox (Ernest Gellhorn) 1376
DUFFY: Domestic Affairs: American Programs and Priorities (Charles Fried) 1561
FEUERLICHT: Justice Crucified: The Story of Sacco and Vanzetti 781
FREEDMAN: Crisis and Legitimacy 1184
HIGGINBOTHAM: In the Matter of Color 1391
KURLAND: Watergate and the Constitution 1572
LIGHTFOOT: Worlds Apart (Derrick A. Bell, Jr.) 1826
ORFIELD: Must We Bus? (Derrick A. Bell, Jr.) 1826
RIST: The Invisible Children (Derrick A. Bell, Jr.) 1826
SELIGMAN: The High Citadel (Archibald Cox) 1170
SILBERMAN: Criminal Violence, Criminal Justice 783
TRIBE: American Constitutional Law (Ruth Bader Ginsburg) 340
WALZER: Just and Unjust Wars (Richard Wasserstrom) 536

BOOK REVIEWS — REVIEWERS

PAGE

BELL, DERRICK A., JR. *Must We Bus?, The Invisible Children*, White Flight, Demographic Transition, and the Future of School Desegregation, AND *Worlds Apart* 1826
COX, ARCHIBALD. *The High Citadel* 1170
FRIED, CHARLES. *Domestic Affairs: American Programs and Priorities* . . . 1561
FRIEDMANN, DANIEL. *Perpetual Dilemma* 952
GINSBURG, RUTH BADER. *American Constitutional Law* 340
GELLHORN, ERNEST. *The Antitrust Paradox* 1376
WASSERSTROM, RICHARD. *Just and Unjust Wars* 536

INDEX-DIGEST

References in heavy-faced type are to LEADING ARTICLES and COMMENTS; in italics to NOTES, BOOK REVIEWS and BOOK NOTES; and in plain type to CASE COMMENTS.

A

ADMINISTRATIVE AGENCIES

Bibliography

Freedman: Crisis and Legitimacy: The Administrative Process and American Government *1184–86*

In general

Regulation of financial holding companies **787–863**

Particular agencies

Civil Aeronautics Board — classic regulation of airline industry unwise 587–90

Civil Aeronautics Board — example of regulatory reform 604–08

Federal Communications Commission — failure to either follow its announced policies or articulate new policies in the comparative renewal context 1805–13

Federal Communications Commission — authority to regulate "indecent but not obscene" radio broadcasts 148–63

Federal Communications Commission — problems permitting some competition with AT&T's natural monopoly 599–603

Federal Power Commission — failure of cost of service ratemaking in the natural gas industry 591–95

ADMINISTRATIVE LAW

Bibliography

Freedman: Crisis and Legitimacy: The Administrative Process and American Government *1184–86*

In general

Alternatives to classic forms of economic regulation 578–84

Collateral estoppel effect of administrative regulatory decisions *1360–65*

Common forms of economic regulation used by administrative agencies 560–78

Economic rents should not be regulated by cost of service ratemaking but should be left to the free market or the tax system 590–95

Justification for economic regulation 553–60

Natural monopolies are best regulated by cost of service ratemaking 597–603

Spillovers should be controlled by the tax system, bargaining, or market based incentives and not industry standard setting 595–97

Structurally competitive industries should not be regulated by administrative agencies but should freely compete subject to antitrust laws 587–90

Suggested framework for regulatory reform supplies alternative solutions to classic problems of economic regulation 584–604

Administrative powers

Warrantless searches by administrative agency inspectors 210–22

Agency discretion

Choice between civil and criminal sanctions against corporations *1307–11*

Judicial control

Courts have allowed the FCC to favor the incumbent in comparative license renewal hearings 1805–07, 1809

Immunity of federal officials for constitutional violations 265–76

Powers of agencies

Comptroller General's authority to examine records of government contractors 1148–59

Procedure

Administrative decisionmaking and the due process clause **419–23**

Administrative rulemaking under the APA **418–19**

Freedman: Crisis and Legitimacy: The Administrative Process and American Government *1184–86*

References in heavy-faced type are to LEADING ARTICLES and COMMENTS; in italics to NOTES, BOOK REVIEWS and BOOK NOTES; and in plain type to CASE COMMENTS.

ANTITRUST LAWS

Bibliography

Bork: The Antitrust Paradox: A Policy at War with Itself *1376–90*

In general

Blind bidding and the motion picture industry *1128–47*

Efficiency and consumer welfare goals of antitrust legislation *1376–90*

Clayton Act

Horizontal mergers under section 7 of Clayton Act *491–513*

United States v. General Dynamics Corp. signals new approach to merger cases by permitting expansion of available defenses 499–511

Criminal liability

Criminal intent is a necessary element of criminal antitrust offense 288–98

Criminal sanctions

The use of criminal sanctions to enforce antitrust laws *1236, 1239–41*

Particular industries

Regulation of financial holding companies **787–863**

Procedural questions in antitrust cases

Collateral estoppel in treble damages antitrust actions *1351–56*

Robinson-Patman Act

Meeting competition defense does not justify exchange of pricing information 288–98

Sherman Act

Applicability of Sherman Act to companies complying with the Arab boycott of Israel *1440–60*

Meeting competition defense does not justify exchange of pricing information 288–98

State action exemption 277–88

Vertical refusals to deal and exclusive distribution agreements 1160–69

APPEAL AND ERROR

Decisions reviewable

Appealability of orders relating to ongoing grand jury proceedings 931–42

Order denying class certification not appealable under 28 U.S.C. § 1292(a)(1) as an order denying an injunction 232–41

Death knell doctrine held invalid by Supreme Court 232–41

Double jeopardy

Appellate reversals of convictions for insufficient evidence 109–10, 117

Government appeals of midtrial dismissals 110–14

ARBITRATION AND AWARD

Arbitrators and proceedings

Developments in multiple-party arbitration *1092–93*

ATTORNEYS

In general

Effect of attorney involvement in suits brought by prisoners under 42 U.S.C. § 1983 **624–25, 636, 663**

Lawyer's role as an advocate **382–85, 390**

Attorney-client relationship

Attorney-client privilege for corporate clients *1286–93*

Problems of multiple representation in prosecutions of corporate crime 1299–300

Professional responsibility

First amendment limits on state regulation of attorney solicitation 185–200

B

BANKS AND BANKING

Holding companies

Regulation of financial holding companies **787–863**

BURDEN OF PROOF

Criminal cases

Reasonable doubt and permissive inferences **1187–225**

References in heavy-faced type are to LEADING ARTICLES and COMMENTS; in italics to NOTES, BOOK REVIEWS and BOOK NOTES; and in plain type to CASE COMMENTS.

C

CHILDREN
Handicapped
Education for All Handicapped Children Act of 1975 *1103–28*

CHOICE OF LAW
Authority of state law in federal courts
Impact of abolition of federal diversity jurisdiction 969–1000
State courts
Choice of law considerations in multistate plaintiff class actions *742–43*

CIVIL RIGHTS
Bibliography
Armor: White Flight, Demographic Transition, and the Future of School Desegregation *1826–44*
Higginbotham: In the Matter of Color: Race and the American Legal Process: The Colonial Period *1391–94*
Lightfoot: Worlds Apart: Relationships Between Families and Schools *1826–44*
Orfield: Must We Bus? Segregated Schools and National Policy *1826–44*
Rist: The Invisible Children: School Integration in American Society *1826–44*
Civil Rights Acts
Continuing violations of Title VII 757–67
Intracorporate conspiracies under 42 U.S.C. § 1985(c) *470–90*
Liability of public defenders under 42 U.S.C. § 1983 943–51
Liability of state and local governments under 42 U.S.C. § 1983 311–26
Sex-based differentials in pension plans under Title VII 299–311
Study of prisoner suits brought under 42 U.S.C. § 1983 **610–63**
Desegregation
Book review of Rist, Orfield, Armor, and Lightfoot *1826–44*
Employment discrimination
Sex-based differentials in pension plans under Title VII 299–311
Freedoms of speech and press
Corporate political expression protected by first amendment 163–74
Handicapped
Education for All Handicapped Children Act of 1975 *1103–28*
Personal rights: civil
Testimonial waiver of the privilege against self-incrimination *1752–69*
Personal rights: religious
Constitutionality of tuition with credits for taxpayers with children in religious schools *696–717*
Racial discrimination
Defendant's right to object to prosecutorial use of the peremptory challenge based on group affiliation 1770–89
Requirement that affirmative action be based on specific official finding of past discrimination is both unwarranted and undesirable 137–42
Sex-based discrimination
Defendant's right to object to prosecutorial use of the peremptory challenge based on gender 1770–89
Sex-based differentials in pension plans under Title VII 299–311

COLLEGES AND UNIVERSITIES
Academic freedom
Academic freedom and federal regulation of university hiring *879–97*
Admissions policy
Admission quotas based on race struck down, but race-conscious admissions policies upheld in principle 131–48

COMMERCE CLAUSE
Blind bidding
Burdens placed on interstate commerce by state regulation of bidding procedure in the motion picture industry *1143–47*

References in heavy-faced type are to LEADING ARTICLES and COMMENTS; in italics to NOTES, BOOK REVIEWS and BOOK NOTES; and in plain type to CASE COMMENTS.

Discrimination
Whether "universal discrimination" is a requisite to a commerce clause violation 66–75
State powers
Prohibition of state regulation of interstate waste disposal 57–66

COMMERCIAL LAW
Uniform Commercial Code
Constitutionality of U.C.C. § 7–210 — absence of "state action" in statutorily authorized private sale 120–31
Revised Article 8 adds provisions to the existing article to deal with uncertificated securities **1013–73**

COMPTROLLER GENERAL
In general
Comptroller General's authority to examine records of government contractors 1148–59

CONGRESS
Committees
Committee authorization of investigations by the Comptroller General 1148–59
Separation of powers
Transfer of the Panama Canal by treaty without House approval 524–35

CONSPIRACY
Corporations
Conspiracies among officials of a single corporation *470–90*

CONSTITUTIONAL LAW
Bibliography
Kurland: Watergate and the Constitution *1572*
Tribe: American Constitutional Law *340–48*
Commerce clause
State prohibition of retail stations operated by integrated oil companies does not discriminate against interstate commerce 66–75
Contract clause
Legislative alteration of private pension agreements violated the contract clause 86–99
Criminal procedure
Reasonable doubt and permissive inferences **1187–225**
Cruel and unusual punishment
Constitutionality of death penalty statute 99–108
Double jeopardy
Collateral estoppel effect of corporate criminal prosecutions *1342–49*
Due process of law
Bakke and procedural fairness **867–73**
Due process limits on state power to bind nonresident members of multistate classes *726–32*
Statute limiting liability for nuclear incidents did provide quid pro quo for abrogated common law right of recovery 253–65
Statute limiting liability for nuclear incidents is an economic regulatory measure and is minimally rational 253–65
Equal protection of the laws
Affirmative action upheld in principle, but specific admissions quota held unconstitutional 131–48
Judicial pursuit of local fiscal equity **1662–750**
Statutes of limitation protecting designers and builders do not unreasonably discriminate *1090–92*
Fourth amendment
The illegality of eavesdrop-related break-ins 919–30
Freedoms of assembly, association, press, and speech
Academic freedom and federal regulation of university hiring *879–97*
Corporate political expression protected by first amendment 163–74
First amendment permits greater content regulation of radio broadcasts than of other media 148–63

References in heavy-faced type are to LEADING ARTICLES and COMMENTS; in italics to NOTES, BOOK REVIEWS and BOOK NOTES; and in plain type to CASE COMMENTS.

Media right of access to prisons . 174–85
Search warrants against newspapers 200–10

Judicial powers
Immunity of federal officials for constitutional violations 265–76
Judge's authority to order eavesdrop-related break-ins 919–30
Weakness of formal checks on power of Supreme Court **17–21**

Just compensation clause
Constitutionality of landmark preservation law 222–32

Personal rights: civil
Liability of state and local governments under 42 U.S.C. § 1983 311–26

Personal rights: religious
Constitutionality of tuition tax credits for taxpayers with children in religious schools *696–717*

Privilege against self-incrimination
Developing notions of testimonial waiver of the privilege *1752–69*

Privileges and immunities of citizens
Definition of rights protected by article IV 75–81
Discriminatory treatment of nonresidents by states 75–86
Standard of review under article IV 82–86

Right to counsel
Prior uncounseled convictions as the basis of federal gun control prosecutions 1790–800
Problems of multiple representation in the prosecution of corporate crimes *1293–300*

Search and seizure
Fourth amendment prohibition against unreasonable searches and seizures applied to subpena of corporate documents *1286–89*
Search warrants against third parties 200–10
Warrantless searches by administrative agency inspectors 210–22

Self-incrimination
Protection against self incrimination does not apply to production of corporate documents *1277–86*
Testimonial waiver of the privilege against self-incrimination *1752–69*

Separation of powers
Transfer of the Panama Canal by treaty without House approval 524–35

Standing to raise constitutional issue
Standing to challenge constitutionality of statute limiting liability for nuclear incidents 253–65

State action
Application of state action requirement to statutorily authorized private sale of goods subject to possessory lien 120–31
Constitutional challenge to state regulation of bidding procedure in the movie industry *1137–47*

Theories of adjudication
Discovering fundamental values in constitutional decisionmaking **5–55**

Treaties and foreign relations
Transfer of the Panama Canal by treaty without House approval 524–35

Trial by jury
No right to a jury trial in complex civil litigation *898–918*
The defendant's right to object to prosecutorial misuse of the peremptory challenge 1770–89

CONTRACT CLAUSE

Applicability
Criticism of argument that the imposition of additional burdens on contracting parties does not constitute "impairment" under the Contract Clause 89–93

CONTRACTS

Damages
Appropriateness of limiting market damages to lost profits **1395–438**

Relevance in negligence actions
Architect's duty of care to be analyzed using contract concepts *1075–102*

References in heavy-faced type are to LEADING ARTICLES and COMMENTS; in italics to NOTES, BOOK REVIEWS and BOOK NOTES; and in plain type to CASE COMMENTS.

Suits by third persons
Negligence actions against architects based on contract provisions *1075–102*

COPYRIGHTS
Copyright Act of 1976
Act creates limited federal basis of rights in artistic reputation *1490–506*
State law
Copyright Act of 1976 preempts state laws providing copyright-like protection *1506–15*

CORPORATIONS
Bibliography
Bork: The Antitrust Paradox: A Policy at War with Itself *1376–90*
In general
Attorney-client privilege for corporate clients *1286–93*
Corporate political expression protected by first amendment 163–74
Fourth amendment prohibition against unreasonable searches and seizures applied to subpena of corporate documents *1286–89*
Problems of multiple representation in the prosecution of corporate crime *1293–300*
Protection against self-incrimination does not apply to production of corporate documents *1277–86*
Consolidation and merger
Horizontal and vertical mergers as antitrust violations *1376–90*
Criminal liability
Corporate liability for criminal acts *1243–59*
Individual liability for corporate crimes *1259–76*
Criminal proceedings
Choice between civil and criminal sanctions against corporations *1300–11*
Deterrent effectiveness of corporate criminal sanctions *1365–68*
Proposal for future corporate civil and criminal proceedings *1369–75*
Rationale behind corporate crime laws *1231–43*
Liability standards
Corporate liability for regulatory crimes *1246–58*
Individual liability for regulatory crimes *1259–75*
Officers, directors, employees
Liability of corporate officials under 42 U.S.C. § 1985(c) for conspiracies to violate civil rights *470–90*
Subsidiaries and affiliates
Regulation of financial holding companies **787–863**
Taxation
Implementing a progressive consumption tax **1634–42**

COURTS
In general
Modern developments in the distinction between law and equity *898–918*
Administration
Administration and disposition of prisoner § 1983 suits in federal courts **610–63**
Jurisdiction
Ancillary jurisdiction over plaintiff's claim against nondiverse impleaded third party 241–53
Powers
Judge's authority to order eavesdrop-related break-ins 919–30
Procedure
Development and status of class action practice **664–94**
State courts
State court jurisdiction over multistate plaintiff class actions *718–44*
Theories of adjudication
Discovering fundamental values in constitutional decisionmaking **5–55**

CRIMINAL LAW
Bibliography
Feuerlicht: Justice Crucified: The Story of Sacco and Vanzetti *781–83*
Silberman: Criminal Violence, Criminal Justice *783–86*

References in heavy-faced type are to LEADING ARTICLES and COMMENTS; in italics to NOTES, BOOK REVIEWS and BOOK NOTES; and in plain type to CASE COMMENTS.

In general
Effect of promise by civil agency not to refer case for prosecution *1338–40*

Bribery
Campaign contributions and federal bribery law *451–69*

Corporate defendants
Choice between civil and criminal sanctions against corporations *1300–11*
Deterrent effectiveness of corporate criminal sanctions *1365–68*
Proposal for future corporate civil and criminal proceedings *1369–75*
Rationale behind corporate crime laws *1231–43*

Defenses
Uncounseled convictions open to collateral attack during trial for gun possession by a felon 1790–800

Double jeopardy
Appellate reversals of convictions for insufficient evidence 109–10, 117
Collateral estoppel effect of corporate criminal prosecutions *1342–49*
Government appeals of midtrial dismissals 110–14
Jeopardy attaches in state criminal trials when the jury is sworn 114–15
Mistrials declared by the trial judge and double jeopardy 117–20
Supreme Court division over the meaning of the double jeopardy clause 108–20

Grand jury
Disclosure of grand jury documents in corporate criminal prosecutions *1356–60*

Liability standards
Corporate liability for regulatory crimes *1246–58*
individual liability for regulatory crimes 1259–75

Particular crimes
Corporate liability for criminal acts *1243–59*
Criminal intent is a necessary element of criminal antitrust offense 288–98
Requisite knowledge and intent for individual liability for corporate crimes *1259–76*

Procedure
Discovery in criminal proceedings: effects on civil proceedings *1327–30, 1335–36*
Reasonable doubt and permissive inferences **1187–225**

Search warrants
Fourth amendment prohibition against unreasonable searches and seizures applied to subpena of corporate documents *1286–89*

Searches and seizures
Search warrants against third parties 200–10
The illegality of eavesdrop-related break-ins 919–30

Self-incrimination
Protection against self-incrimination does not apply to production of corporate documents *1277–86*
Testimonial waiver of the privilege against self-incrimination *1752–69*

Sentence
Constitutionality of death penalty statute 99–108

CRIMINOLOGY

Bibliography
Silberman: Criminal Violence, Criminal Justice *783–86*

In general
American blacks commit disproportionate amount of serious crime *783–86*

D

DAMAGES

In general
Immunity of federal officials for constitutional violations 265–76

Contract
Appropriateness of limiting dam-

References in heavy-faced type are to LEADING ARTICLES and COMMENTS; in italics to NOTES, BOOK REVIEWS and BOOK NOTES; and in plain type to CASE COMMENTS.

ages to lost profits **1395–438**

Implied actions

Constitutionally based damage remedy for equal protection violation 745–56

Limitation of liability

Statute limiting liability for nuclear incidents is constitutional 253–65

DISCOVERY

In general

Party has first amendment right to disclose information received through the discovery process 1550–60

DUE PROCESS OF LAW

In general

Bakke: Equal protection, procedural fairness, or structural justice? **864–77**

Statute limiting liability for nuclear incidents did provide quid pro quo for abrogated common law right of recovery 253–65

Civil remedies: in general

Implied damage action for sex-discriminatory firing of congressional employee 745–56

Criminal prosecutions

Due process safeguards attach in criminal but not civil proceedings *1301–02, 1311, 1370*

Reasonable doubt and permissive inferences **1187–225**

Use of prior uncounseled convictions as basis of federal gun control prosecution *1790–800*

Eminent domain

Constitutionality of landmark preservation law 222–32

Property interests

Application of state action requirement to statutorily authorized private sale of goods subject to possessory lien 120–31

Substitute facilities compensation for private condemnees 514–23

Regulation of business

Statute limiting liability for nuclear incidents is an economic regulatory measure and is minimally rational 253–65

Regulation of business: in general

State prohibition of retail stations operated by integrated oil companies not violation of due process 66–68

E

ECONOMICS

Bibliography

Bork: The Antitrust Paradox: A Policy at War with Itself *1376–90*

Corporate crime

Proposal for eliminating potential profit of corporate crime *1369–75*

Theories of taxation

Ex ante vs. *ex post* approaches to tax parity **1600–11**

Implementing a progressive consumption tax **1575–600**

EDUCATION

Bibliography

Armor: White Flight, Demographic Transition, and the Future of School Desegregation *1826–44*

Lightfoot: Worlds Apart: Relationships Between Families and Schools *1826–44*

Orfield: Must We Bus? Segregated Schools and National Policy *1826–44*

Rist: The Invisible Children: School Integration in American Society *1826–44*

Admissions policy

Admission quotas based on race struck down, but race-conscious admissions policies upheld in principle 131–48

Desegregation

Book review of Rist, Orfield, Armor, and Lightfoot *1826–44*

Handicapped

Education for All Handicapped Children Act of 1975 *1103–28*

References in heavy-faced type are to LEADING ARTICLES and COMMENTS; in italics to NOTES, BOOK REVIEWS and BOOK NOTES; and in plain type to CASE COMMENTS.

Religion
Constitutionality of tuition tax credits for taxpayers with children in religious schools *696–717*

ELECTIONS
Bibliography
Kurland: Watergate and the Constitution *1572*
Campaign contributions
Campaign contributions and federal bribery law *451–69*
Campaign regulation
State may not prohibit corporate contributions in referendum campaign 163–74

EMINENT DOMAIN
Compensation
Substitute facilities compensation for private condemnees 514–23
When is property taken
Landmark preservation law not a "taking" 222–32

EMPLOYEE BENEFIT PLANS
Discrimination
Sex-based differentials in pension plans under Title VII 299–311

EMPLOYMENT DISCRIMINATION
Civil Rights Acts
Continuing violations of Title VII *757–67*
Intracorporate conspiracies to violate civil rights under 42 U.S.C. § 1985(c) *470–90*
Sex-based differentials in pension plans under Title VII 299–311

ENVIRONMENTAL LAW
Bibliography
Allan, Kuder & Oakes: Promised Lands, 2: Subdivisions in Florida's Wetlands *546*
Criminal proceedings
The use of criminal sanctions against polluters *1236–37, 1309–11*

EQUAL PROTECTION OF THE LAWS
Bibliography
Armor: White Flight, Demographic Transition, and the Future of School Desegregation *1826–44*
Lightfoot: Worlds Apart: Relationships Between Families and Schools *1826–44*
Orfield: Must We Bus? Segregated Schools and National Policy *1826–44*
Rist: The Invisible Children: School Integration in American Society *1826–44*
Tribe: American Constitutional Law *340–48*
Affirmative action
Affirmative action upheld in principle, but specific admissions quota held unconstitutional 131–42
Bakke: equal protection, procedural fairness, or structural justice? **864–77**
Criticism of argument that affirmative action must be based on an official finding of specific past discrimination 137–42
Distinction between a fixed quota and a flexible admissions program which considers race as one of many factors 143–48
Aliens
Dual standard of review for state discrimination against aliens *1516–37*
Criminal law
Attachment of jeopardy in state criminal trials 114–15
Desegregation
Book review of Rist, Orfield, Armor, and Lightfoot *1826–44*
Private discrimination
Intracorporate conspiracies to violate civil rights under 42 U.S.C. § 1985(c) *470–90*
Sex-based discrimination
Bivens actions for discriminatory firing of congressional employee 745–56
Zoning
Judicial pursuit of local fiscal equity **1662–750**

References in heavy-faced type are to LEADING ARTICLES and COMMENTS; in italics to NOTES, BOOK REVIEWS and BOOK NOTES; and in plain type to CASE COMMENTS.

EQUITY
Jurisdiction of the court
Modern developments in the distinction between law and equity *898–918*

EVIDENCE
Presumptions
Reasonable doubt and permissive inferences **1187–225**
Privilege
Attorney-client privilege for corporate clients *1286–93*
Impact of abolition of federal diversity jurisdiction 1006–07
Protection against self-incrimination does not apply to production of corporate documents *1277–86*
Searches and seizures
Fourth amendment prohibition against unreasonable searches and seizures applied to subpena of corporate documents *1286–89*

EXECUTIVE
In general
Restraints on presidential power *1572*

F

FAMILY AND DOMESTIC RELATIONS LAW
Bibliography
Abramov: Perpetual Dilemma *952–62*
Education
Education for All Handicapped Children Act of 1975 *1103–28*
Israel
Conflict between religious and secular law *952–62*

FAMOUS CASES
Bibliography
Feuerlicht: Justice Crucified: The Story of Sacco and Vanzetti *781–83*

FEDERAL COURTS
Administration
Study of prisoner § 1983 suits in federal courts **610–63**
Ancillary jurisdiction
Ancillary jurisdiction over plaintiff's claim against nondiverse impleaded third party 241–53
Federal diversity jurisdiction
Positive side-effects of abolition and potential for further reform 963–1012
Jurisdiction: joint federal-state decisions
Jurisdiction to review federally influenced state decisions under the Federal Water Pollution Control Act 1814–25
Powers
Judge's authority to order eavesdrop-related break-ins 919–30
Powers: actions against federal officers
Implied damage action for equal protection violation by congressman 745–56
Procedure
Development and status of class action practice **664–94**
Rules of civil procedure
Rule 81(a)(3) *1330–33*
Stays of civil proceedings when criminal suit pending *1333–37*
Rules of criminal procedure
Discovery: effects on civil proceedings *1327–30, 1335–36*
Rule 6(e) *1314–20*

FEDERALISM
Relationship between state and federal government
Ancillary jurisdiction over plaintiff's claim against nondiverse impleaded third party 241–53

FIRST AMENDMENT
Attorney solicitation
First amendment limits on state regulation of attorney solicitation 185–200
Freedom of religion
Constitutionality of tuition tax credits for taxpayers with children in religious schools *696–717*

References in heavy-faced type are to LEADING ARTICLES and COMMENTS; in italics to NOTES, BOOK REVIEWS and BOOK NOTES; and in plain type to CASE COMMENTS.

Freedom of speech
Constitutional challenge to state regulation of movie picture industry *1139–42*
Corporate political expression protected by first amendment 163–74
First amendment permits greater content regulation of radio broadcasts than of other media 148–63
Free speech as basis for immunity of colleges and universities from government regulation *888–91*
Party has first amendment right to disclose information received through the discovery process 1550–60

Freedom of the press
Media right of access to prisons 174–85
Search warrants against newspapers 200–10

Right of association
Corporate political expression protected by first amendment 163–74
Right of association as basis for immunity of colleges and universities from government regulation *885–88*

FOOD AND DRUG LAW
Criminal proceedings
The use of criminal sanctions to enforce food and drug laws *1240–41*

FOURTEENTH AMENDMENT
Due process
Due process limits on state power to bind nonresident members of multistate classes *726–32*

Equal protection of the laws
Affirmative action upheld in principle, but specific admissions quota held unconstitutional 131–48

FOURTH AMENDMENT
Searches and seizures
The illegality of eavesdrop-related break-ins 919–30

FREEDOM OF EXPRESSION
In general
Constitutional challenge to state regulation of bidding procedure in the movie industry *1139–42*
Corporate political expression protected by first amendment 163–74

Obscenity
Constitutional analysis of distinction between indecency and obscenity 148–63

FREEDOM OF RELIGION
Bibliography
Abramov: Perpetual Dilemma *952–62*

Education
Constitutionality of tuition tax credits for taxpayers with children in religious schools *696–717*

Israel
Conflict between religious and secular law *952–62*

FREEDOM OF THE PRESS
Restrictions on access to prisons
Media has no special right of access beyond that of general public 174–85

G

GIFTS
Taxation
Implementing a progressive consumption tax **1623–29**

GOVERNMENT
Bibliography
Duffy: Domestic Affairs: American Programs and Priorities *1561–71*

In general
Federal bureaucracy and social welfare *1561–71*

Funding
The use of funding to achieve important government interests *891–97*

Local
Judicial pursuit of local fiscal equity **1662–750**

References in heavy-faced type are to LEADING ARTICLES and COMMENTS; in italics to NOTES, BOOK REVIEWS and BOOK NOTES; and in plain type to CASE COMMENTS.

GRAND JURY
In general
Appealability of order relating to ongoing grand jury proceedings 931–42
Disclosure of grand jury documents in corporate criminal prosecutions *1312–20, 1356–60*

H

HANDICAPPED
Education
Education for All Handicapped Children Act of 1975 *1103–28*

HISTORY OF LAW
Bibliography
Higginbotham: In the Matter of Color: Race and the American Legal Process: The Colonial Period *1391–94*
Constitutional law
History of article IV 533–34

HOUSING
Private discrimination
Intracorporate conspiracies to violate civil rights under 42 U.S.C. § 1985(c) *470–90*

I

IMMUNITY
Immunity of federal officials for constitutional violations 265–76

IMPAIRMENT OF CONTRACTS
Pension agreements
Legislative alteration of private pension agreements held unconstitutional 86–99

INCOME TAX
In general
Implementing a progressive consumption tax **1575–661**
Transitional problems in shifting to consumption taxation **1649–59**
Corporate income tax
Incompatibility with an individual consumption tax **1634–42**
Credits: education
Constitutionality of tuition tax credits for taxpayers with children in religious schools *696–717*
Deductions
Comparison of income and consumption tax deductions **1584–95**
Foreign
Comparison of international issues regarding income and consumption taxation **1643–49**
Gifts and bequests
Comparison of income and consumption tax treatment **1623–29**
Incentives
Difficulty of providing special incentives under a consumption tax **1623–34**
Timing of income
Comparison of timing issues under a consumption tax regarding investments, consumer durables, and housing **1597–623**

INDIANS
Treaties
Indian treaties subject to the same principles that govern United States treaties with foreign powers 532

INJUNCTIONS
Nature and scope
Injunctive relief obtained in suits brought by prisoners under 42 U.S.C. § 1983 **624, 662–63**

INSURANCE
State regulation of insurance companies
Distinguishing insurance from investment **854–60**
Regulation of financial holding companies **787–863**

References in heavy-faced type are to LEADING ARTICLES and COMMENTS; in italics to NOTES, BOOK REVIEWS and BOOK NOTES; and in plain type to CASE COMMENTS.

INTERNATIONAL LAW
Taxation
Implication of shift by United States from income to expenditure taxation **1643–49**
Treaties
Transfer of the Panama Canal by treaty without House approval 524–35

INTERSTATE AND FOREIGN COMMERCE
Power of states
Commerce clause prohibits state regulation of interstate waste disposal 57–66
State prohibition of retail stations operated by integrated oil companies does not discriminate against interstate commerce 66–75

J

JUDGES
In general
Theoretical underpinnings, purposes, methods, and settings for adjudication **353–409**

JUDGMENTS
Collateral estoppel
Collateral estoppel effect of administrative regulatory decisions *1360–65*
Collateral estoppel effect of corporate criminal prosecutions *1342–49*
Collateral estoppel in treble damage antitrust actions *1351–56*
Nonmutual collateral estoppel *1350–51*
Recognition
Full faith and credit to state judgments in multistate class actions *718–34*

JUDICIAL REVIEW
Basis
Expanding reach of contract clause as basis for judicial review of social and economic legislation 86–99
Standard of review
Applicable standard of review for affirmative action programs 134–42

JURISDICTION
Federal diversity jurisdiction
Ancillary jurisdiction over plaintiff's claim against nondiverse impleaded third party 241–53
Positive side-effects of abolition and potential for further reform 963–1012
State courts
Jurisdiction over multistate plaintiff class actions *718–44*

JURISPRUDENCE
In general
Theoretical underpinnings, purposes, methods, and settings for adjudication **353–409**
Judicial decisionmaking
Discovering fundamental values in constitutional decisionmaking **5–55**
Participation, responsiveness, and the consultative process **410–32**
Schools of jurisprudence
Lon Fuller and pragmatic instrumentalism **433–49**

JURY
Challenges and objections
The defendant's right to object to prosecutorial misuse of the peremptory challenge 1770–89
Right to trial by jury
No right to a jury trial in complex civil litigation *898–918*

JUST COMPENSATION
In general
Merger of questions of whether property has been taken and what compensation is just 226–27
No compensation required for landmark preservation law 222–32

References in heavy-faced type are to LEADING ARTICLES and COMMENTS; in italics to NOTES, BOOK REVIEWS and BOOK NOTES; and in plain type to CASE COMMENTS.

JUSTICIABILITY
In general
Theoretical underpinnings, purposes, methods, and settings for adjudication **353–409**
Ripeness
Ripeness of the Panama Canal Treaty for adjudication 529–31
Standing
Standing to challenge constitutionality of statute limiting liability for nuclear incidents 253–65

L

LABOR LAW
Duty to bargain
Duty to bargain about termination of operations 768–80
Title VII of the Civil Rights Act of 1964
Sex-based differentials in pension plans under Title VII 299–311

LAND USE
Bibliography
Allan, Kuder & Oakes: Promised Lands, 2: Subdivisions in Florida's Wetlands *546*
Constitutional limits on land use regulation
The "takings" clause and landmark preservation laws *222–32*

LEGAL AID
Prisoners' rights
Effect of attorney involvement in suits brought by prisoners under 42 U.S.C. § 1983 **624–25, 636, 663**

LEGAL EDUCATION
Bibliography
Seligman: The High Citadel: The Influence of Harvard Law School *1170–83*

LEGAL PROFESSION
Bibliography
Seligman: The High Citadel: The Influence of Harvard Law School *1170–83*
In general
Application of the privileges and immunities clause to the practice of law *1466–79*
Lawyer's role as an advocate **382–85, 390**
Scrutiny of state bar residency requirements under the privileges and immunities clause *1479–89*
Professional responsibility
First amendment limits on state regulation of attorney solicitation 185–200

LEGISLATION
Civil rights
Sex-based differentials in pension plans under Title VII 299–311
Handicapped
Education for All Handicapped Children Act of 1975 *1103–28*

LIMITATION OF ACTIONS
Accrual of action
Accrual of action against designer or builder at date of building's completion not an equal protection violation *1050–92*

LOCAL GOVERNMENT LAW
Fiscal equity
Judicial pursuit of local fiscal equity **1662–750**

M

MALPRACTICE
Architectural
A contract-based approach *1075–102*

MASTER AND SERVANT
Respondeat superior
Corporate liability for criminal acts *1243–59*

References in heavy-faced type are to LEADING ARTICLES and COMMENTS; in italics to NOTES, BOOK REVIEWS and BOOK NOTES; and in plain type to CASE COMMENTS.

Rights and liabilities of agent
Individual liability for corporate crimes *1259–76*

MENTAL HEALTH
Bibliography
Toucredi: Ethical Policy in Mental Health Care: The Goals of Psychiatric Intervention *546*

MERGERS
Clayton Act
Analysis of horizontal mergers after *United States v. General Dynamics Corp.* *491–513*

MONSTERS AND APPARITIONS
Particular monsters and apparitions
Class action procedure not a Frankenstein monster **664–94**
United States v. Reserve Mining Co. *1309*

MUNICIPAL CORPORATIONS
In general
Applicability of state action exemption from antitrust laws to municipal corporations 277–88
Immunity
Municipal liability under 42 U.S.C. § 1983 311–26
Taxation
Judicial pursuit of local fiscal equity **1662–750**

N

NEGLIGENCE
Duty of care
Construction contracts useful in determining duty of care in architectural malpractice suits *1075–102*

NUCLEAR POWER
Limitation of liability
Statute limiting liability for nuclear incidents is constitutional 253–65

P

PENSIONS
Discrimination
Sex-based differentials in pension plans under Title VII 299–311

PHILOSOPHY
In general
Positivism, moral standards, and a community of purpose as bases for "the rule of law" **356–57, 372–81**

POVERTY AND LAW
Bibliography
Duffy: Domestic Affairs: American Programs and Priorities *1561–71*
In general
Federal bureaucracy and social welfare *1561–71*
Civil litigation
Pro se suits brought by prisoners under 42 U.S.C. § 1983 **610–63**

PRACTICE OF LAW
In general
Lawyer's role as an advocate **382–85, 390**
Professional responsibility
First amendment limits on state regulation of attorney solicitation 185–200

PRISONS AND PRISONERS
Procedure
Study of suits brought by prisoners under 42 U.S.C. § 1983 **610–63**
Restrictions on media access
Media has no special right of access beyond that of general public 174–85

PRIVILEGES AND IMMUNITIES CLAUSE
In general
Applicability to state bar residency requirements *1461–89*

References in heavy-faced type are to LEADING ARTICLES and COMMENTS; in italics to NOTES, BOOK REVIEWS and BOOK NOTES; and in plain type to CASE COMMENTS.

PROCEDURE
In general
Participation, responsiveness, and the consultative process **410–32**
Theoretical underpinnings, purposes, methods, and settings for adjudication **353–409**
Class actions
Death knell doctrine held invalid by Supreme Court 232–41
Development and status of class action practice **664–94**
Order denying class certification not appealable under 28 U.S.C. § 1292(a)(1) as an order denying an injunction 232–41
State court jurisdiction over multistate plaintiff class actions *718–44*
Criminal procedure
Jeopardy attaches in state criminal trials when the jury is sworn 114–15
Evidence
Reasonable doubt and permissive inferences **1187–225**
Federal diversity jurisdiction
Impact of abolition of diversity jurisdiction on federal civil procedure 963–1012
Particular procedures
Appealability of orders relating to ongoing grand jury proceedings 931–42

PROFESSIONAL RESPONSIBILITY
Attorney solicitation
First amendment limits on state regulation of attorney solicitation 185–200

PROPERTY
Just compensation
Constitutionality of landmark preservation law 222–32
Substitute facilities compensation for private condemnees 514–23

PUBLIC OFFICERS
Liability
Campaign contributions and federal bribery law *451–69*
Immunity of federal officials for constitutional violations 265–76

R

RELIGION
Bibliography
Abramov: Perpetual Dilemma *952–62*
Education
Constitutionality of tuition tax credits for taxpayers with children in religious schools *696–717*
Israel
Conflict between religious and secular law *952–62*

RES JUDICATA
In general
Collateral consequences of corporate criminal prosecutions *1340–56*
State courts
Binding effect of state judgments in multistate class actions 720–34

RESTRAINT OF TRADE
Clayton Act
Analysis of horizontal mergers in violation of section 7 *491–513*
Sherman Act
Contrast between applications of antitrust and civil rights conspiracy statutes to officers of a single corporation *479–82*
State action exemption 277–88
Vertical refusals to deal and exclusive distribution agreements 1160–69

S

SALES
Bibliography
Allan, Kuder & Oakes: Promised Lands, 2: Subdivisions in Florida's Wetlands *546*

References in heavy-faced type are to LEADING ARTICLES and COMMENTS; in italics to NOTES, BOOK REVIEWS and BOOK NOTES; and in plain type to CASE COMMENTS.

SCHOOLS

Bibliography

Armor: White Flight, Demographic Transition, and the Future of School Desegregation *1826–44*

Lightfoot: Worlds Apart: Relationships Between Families and Schools *1826–44*

Orfield: Must We Bus? Segregated Schools and National Policy *1826–44*

Rist: The Invisible Children: School Integration in American Society *1826–44*

Desegregation

Book review of Rist, Orfield, Armor, and Lightfoot *1826–44*

Handicapped

Education for All Handicapped Children Act of 1975 *1103–28*

SEARCHES AND SEIZURES

In general

Fourth amendment prohibition against unreasonable searches and seizures applied to subpena of corporate documents *1286–89*

Search warrants against third parties 200–10

The illegality of eavesdrop-related break-ins 919–30

Warrantless searches by administrative agency inspectors 210–22

SECURITIES ACTS

Federal Securities Exchange Act of 1934

The application of rule 10b–5 to "market insiders" 1538–49

SECURITIES REGULATION

In general

Tender offer regulations proposed by the SEC 1548–49

The application of rule 10b–5 to "market insiders" 1538–49

SELF-INCRIMINATION

In general

Testimonial waiver of the privilege against self-incrimination *1752–69*

SENTENCING

Death penalty

Constitutionality of death penalty statute 99–108

STANDING TO SUE

In general

Standing to challenge constitutionality of statute limiting liability for nuclear incidents 253–65

STATES

Class actions

State court jurisdiction over multistate plaintiff class actions *718–44*

Relation to other states

Commerce clause prohibits state regulation of interstate waste disposal 57–66

State prohibition of retail stations operated by integrated oil companies does not discriminate against out-of-state companies 66–75

STATISTICS

In general

Study of suits brought by prisoners under 42 U.S.C. § 1983 **610–63**

STATUTES

Construction

Civil Rights Act of 1964 — sex-based discrimination in pension plans 299–311

Death knell exception to finality rule of 28 U.S.C. § 1291 invalid 232–41

Denial of class status not a denial of an injunction within the meaning of 28 U.S.C. § 1292(a)(1) allowing interlocutory appeal 232–41

Glass-Steagall Banking Act **799–802, 860–61**

Federal Communications Act of 1934 — preference for the incumbent based on "meritorious service" is a legitimate part of the "public interest" 1805, 1809

Intracorporate conspiracies under 42 U.S.C. § 1985(c) *470–90*

References in heavy-faced type are to LEADING ARTICLES and COMMENTS; in italics to NOTES, BOOK REVIEWS and BOOK NOTES; and in plain type to CASE COMMENTS.

Study of suits brought in federal courts under 42 U.S.C. § 1983 by prisoners **610–63**

Export administration amendments

Effect on application of antitrust laws to companies complying with the Arab boycott of Israel *1452–56*

Federal Election Campaign Act

FECA and federal bribery law *451–69*

Model and uniform statutes

Insurance Holding Company Systems Regulatory Act **804–10**

Omnibus Crime Control and Safe Streets Act of 1968

The illegality of eavesdrop-related break-ins 919–30

SUPREME COURT

In general

Discovering fundamental values in constitutional decisionmaking **5–55**

T

TAXATION

In general

Implementation of a progressive consumption tax **1575–661**

Collection and enforcement

Summonses: validity when issued for criminal investigation *1320–29*

Implementation of consumption tax

Implementing a progressive consumption tax **1575–661**

— Administrative considerations **1595–97**

— Corporate taxation **1634–42**

— General description and comparison to other taxes **1578–80**

— Incentives and subsidies **1629–34**

— International issues **1643–49**

— Receipts and deductions comprising the expenditure tax base **1584–95**

— The expenditure tax rate schedule **1580–84**

— Timing issues regarding investments, consumer durables, and housing **1597–623**

— Transitional problems **1649–59**

Income

Constitutionality of tuition tax credits for taxpayers with children in religious schools *696–717*

Implementing a progressive consumption tax **1575–661**

Local

Judicial pursuit of local fiscal equity **1662–750**

Procedure

Nonmutual collateral estoppel not given effect in tax litigation *1361–62*

TORTS

Liability without intent or negligence

Of architect *1075–102*

Respondeat superior

Liability of corporation for conspiracy among its officials *487–89*

Violation of civil rights

Liability of state and local governments under 42 U.S.C. § 1983 311–26

TREATIES

In general

Transfer of the Panama Canal by treaty without House approval 524–35

Justiciability

Ripeness of the Panama Canal Treaty for adjudication 520–31

TRIAL

Jury

The defendant's right to object to prosecutorial misuse of the peremptory challenge 1770–89

References in heavy-faced type are to LEADING ARTICLES and COMMENTS; in italics to NOTES, BOOK REVIEWS and BOOK NOTES; and in plain type to CASE COMMENTS.

U

UNIFORM COMMERCIAL CODE
Article 8
Changes in article 9 rules on security interests made by revised article 8 **1052–73**
Problems created by the creation of rules for uncertificated securities parallel to the rules governing certificated securities **1028–51**
Revised article 8 adds provisions to the existing article to deal with uncertificated securities **1013–73**

UTILITIES
In general
Statute limiting liability for nuclear incidents is constitutional 253–65

W

WORKERS' COMPENSATION ACTS
Recovery against third party
Statutes distort proper allocation of liability *1094–98*

Z

ZONING
In general
Preservation of historic landmarks 222–32
Exclusionary zoning
Judicial pursuit of local fiscal equity **1662–750**

TABLE OF CASES

References in heavy-faced type are to LEADING ARTICLES and COMMENTS; in italics to NOTES, BOOK REVIEWS and BOOK NOTES; and in plain type to CASE COMMENTS.

PAGE

Abram, Breithaupt v. **45–46**
Agrusa, United States v. 929
Alabama v. Pugh 325–26
Alabama, Swain v. 1770–72
Alabama Ass'n of Ins. Agents v. Board of Governors of Fed. Reserve Sys. **798**
Alexander v. United States *936*
Alexandria, City of, Beard v. . 71
Allen, United States v. 1793–95
Allied Artists Pictures Corp. v. Rhodes *1128–47*
Allied Chemical Corp., United States v. *1309–10*
Allied Structural Steel Co. v. Spannaus 86–99
Ambach v. Norwick *1535–37*
American Mini Theaters, Inc., Young v. 158–59
Anaconda Co., United States v. *1362–64*
Anderson, United States v. ... 459–61
Apple Advertising Comm'n, Washington State, Hunt v. . 70
April 1977 Grand Jury Subpoenas, *In re* *931–42*, 1316–17
Arizona v. Washington 117–20
Ash, Cort v. 747–50
Assessor of the Town of Islip, Hellerstein v. **1704–05, 1714–15, 1719–20, 1723–32, 1742–45**
Ass'n of Data Processing Serv. Organizations v. Camp 260–61
Atlas Roofing Co. v. Occupational Safety & Health Review Comm'n *904*

Bakke, Regents of the Univ. of Cal. v. **9–10, 12–14, 40–42**, 131–48, 306, **864–77**, *882–85, 1391*
Baldwin v. Fish & Game Comm'n *75–81, 1467–68*
Barenblatt v. United States .. *882*
Barlow's, Inc., Marshall v. ... *210–22*
Barnes v. United States **1214–15**
Barr v. Matteo 265–76

PAGE

Bates v. State Bar 277–88, *1473–75*
Beacon Theatres, Inc. v. Westover *900–01*
Beard v. City of Alexandria . 71
Bechtel Corp., United States v. *1440–59*
Bellis v. United States *1281*
Bellotti, First Nat'l Bank v. 163–74, *890–91*
Beneficial Indus. Loan Corp., Cohen v. *935–37*
Bergstrom, Robinson v. 943–51
Bernhard, Ross v. *901, 903*
Bitzer, Fitzpatrick v. 324–26
Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics 745–56
Blonder-Tongue Laboratories, Inc. v. University of Ill. Foundation *1350–51*
Board of Educ., Brown v. *1826–28, 1843–44*
Board of Educ., Farris v. .. 757–67
Board of Educ., Lora v. *1113*
Board of Educ., Mills v. *1104–05*
Board of Governors of Fed. Reserve Sys., Alabama Ass'n of Ins. Agents v. **798**
Board of Regents, Keyishian v. *882*
Boyd v. United States *1287*
Breckenridge, Griffin v. *470–71*
Breithaupt v. Abram **45–46**
Bretz, Crist v. 114–17
Brewer, Morrissey v. *420–21*
Brewster, United States v. ... 456–61
Brockway Motor Trucks v. NLRB 768–80
Brooks, Flagg Bros. v. 120–31
Brown v. Board of Educ. *1826–28, 1843–44*
Brown, Parker v. 277–88, *1139*
Brown Shoe Co. v. United States *495*
Bruce Church, Pike v. *1143–45*
Buckley v. Valeo 168, 171–72, *454–55, 889–90*
Bull, Calder v. **26–27**
Burgett v. Texas 1795–98
Burks v. United States ... 109–10, 117

PAGE

Burmah Oil Co., The, Compania Naviera Asiatic v. **1427–36**
Button, NAACP v. 166
Butz v. Economou ... 265–76, 745–46, 753–55
Byers, California v. *1761–62*

Calder v. Bull **26–27**
California v. Byers *1761–62*
California, Griffin v. **1211–12**
California, Ker v. 927–29
Camara v. Municipal Court . *218–20*
Camp, Ass'n of Data Processing Serv. Organizations v. 260–61
Camp, Investment Co. Inst. v. **799–802**
Carey v. Piphus **870–73**
Carolene Prods. Co., United States v. **5–10**
Carolina Environmental Study Group, Duke Power Co. v. 253–65
Carter, Edwards v. 524–35
Cement Mfrs. Protective Ass'n v. United States 290
Central Fla. Enterprises v. FCC 1801–13
Chaplinsky v. New Hampshire 154–57
Charter Co., The, Madison Fund, Inc. v. **1425–27**
Chiarella, United States v. ... 1538–49
Citizens & S. Nat'l Bank, United States v. *504*
City of Alexandria, Beard v. . 71
City of Lafayette v. Louisiana Power & Light Co. 277–88
City of Los Angeles, Dep't of Water & Power v. Manhart 299–311
City of Madison, Dean Milk Co. v. 62–66
City of New York, Penn Central Transp. Co. v. *222–32*
City of Philadelphia v. New Jersey 57–66
City of Seattle, See v. *215–17*
Cobbledick v. United States . *931–42*
Cohen v. Beneficial Indus. Loan Corp. *935–37*
Cohen, Flast v. 256, 258–60
Colorado, Reid v. 64–65
Columbia Broadcasting System, Poller v. **672**
Commissioner, Divine v. *1361–62*
Committee for Pub. Educ. & Religious Liberty v. Nyquist *706–09*

PAGE

Commonwealth v. Soares 1770–89
Compania Naviera Asiatic v. The Burmah Oil Co. **1427–36**
Connelie, Foley v. .. *1520–23, 1532–35*
Consolidated Foods Corp., United States v. *507*
Container Corp. of America, United States v. 289–90
Continental T.V., Inc. v. GTE Sylvania Inc. 1164, 1167
Coopers & Lybrand v. Livesay 232–41
Corfield v. Coryell 77–78, 80–81
Cort v. Ash 747–50
Coryell, Corfield v. 77–78, 80–81
Crist v. Bretz 114–17

Dairy Queen, Inc. v. Wood .. *901–03*
Davis, Martin v. *1484–88*
Davis v. Passman 745–56
Davis, Paul v. *419*
Dean Milk Co. v. City of Madison 62–66
Decker, Harper and Row Publishers, Inc. v. *1293*
Deering Milliken, Inc., Duplan Corp. v. *1293*
Department of Social Servs., Monell v. 311–26, *489–90*
Diversified Indus., Inc., Kaufman v. **1423–25**
Divine v. Commissioner *1361–62*
Dombrowski v. Dowling *472–74*
Donaldson v. United States . *1321–22, 1331–33*
Dowling, Dombrowski v. *472–74*
Duke Power Co. v. Carolina Environmental Study Group 253–65
Duplan Corp. v. Deering Milliken, Inc. *1293*

Economou, Butz v. .. 265–76, 745–46, 753–55
Edelman v. Jordan 323–25
Edwards v. Carter 524–35
Eldridge, Mathews v. *421*
Eli Lilly & Co. v. Staats 1148–59
Emich Motors Corp. v. General Motors Corp. *1352*
Erhart v. Hummonds *1095*
Evans, United Air Lines, Inc., v. 757–67

PAGE

Exxon Corp. v. Governor of Md. 66–75, *1143–45*

FCC, Central Fla. Enterprises v. 1801–13
FCC v. National Citizens Comm. for Broadcasting 1809
FCC v. Pacifica Foundation ... 148–63
FTC, Great Atlantic and Pacific Tea Co. v. 294
Fano, Meachum v. *419–20, 422*
Farris v. Board of Educ. 757–67
Fed. Reserve Sys., Board of Governors of, Alabama Ass'n of Ins. Agents v. **798**
Fibreboard Paper Products Corp. v. NLRB 772–73
Finazzo, United States v. 919–30
First Nat'l Bank v. Bellotti .. 163–74, *890–91*

Fish & Game Comm'n of Montana, Baldwin v. 75–81, *1467–68*
Flagg Bros. v. Brooks 120–31
Flast v. Cohen 256, 258–60
Fields, United States v. *1338–40*
Fitzpatrick v. Bitzer 324–26
Florida Lime & Avocado Growers, Inc. v. Paul **875**
Foley v. Connelie .. *1520–23, 1532–35*
Furman v. Georgia **46,** 99–108

GTE Sylvania Inc., Continental T.V., Inc. v. 1164, 1167
Gainey, United States v. **1202–06**
Gardner v. Westinghouse Broadcasting Co. 232–41
General Dynamics Corp., United States v. *499–513*
General Electric Co. v. Gilbert 299, 301, 303–04, 305–06
General Motors Corp., Emich Motors Corp. v. *1352*
General Motors Corp. v. United States *931–42,* 1316–17
Genser, United States v. *1332*
Georgia, Furman v. **46,** 99–108
Georgia, Gregg v. 99–108
Gibbs, United Mine Workers v. 243–53
Gideon v. Wainwright 1796–98
Gilbert, General Electric Co. v. 299, 301, 303–04, 305–06

PAGE

Gilmore, United States v. **1590–91**
Girard v. 94th St. & Fifth Ave. Corp. *474–76*
Goldfarb v. Virginia State Bar 277–88, *1474–75*
Goldberg v. Kelly *420*
Goss v. Lopez *421–22*
Governor of Md., Exxon Corp. v. 66–75, *1143–45*
Graves, United States v. 1793–95
Great Am. Fed. Sav. & Loan Ass'n, Novotny v. *476–77*
Great Atlantic & Pacific Tea Co. v. FTC 294
Gregg v. Georgia 99–108
Griffin v. Breckenridge *470–71*
Griffin v. California **1211–12**
Griffiths, *In re* *1477–79*
Gypsum Co., United States, United States v. 288–98, *1239–41, 1260*

Hale v. Henkel *1279–80, 1287*
Halkin, *In re* 1550–60
Hampton v. Mow Sung Wong **873–77**
Hansen, Hobson v. **1697–98, 1700**
Harper and Row Publishers, Inc. v. Decker *1293*
Hashagen v. United States .. *1755*
Hawkins v. Town of Shaw .**1697–701, 1703, 1712–15, 1719–20, 1723–32, 1742–45**
Healthco, United States v. ... *506*
Heitner, Shaffer v. *720, 730*
Hellerstein v. Assessor of the Town of Islip **1704–05, 1714–15, 1719–20, 1723–32, 1742–45**
Helvering v. Mitchell *1303–04*
Henkel, Hale v. *1279–80, 1287*
Hess, Oregon v. *343–44*
Hewlett-Packard Co. v. United States 1150–51
Hicklin v. Orbeck 82–86
Hobson v. Hansen **1697–98, 1700**
Horton v. Meskill **1705–08**
Houchins v. KQED, Inc. 174–85
Hummonds, Erhart v. *1095*
Hunt v. Washington State Apple Advertising Commission **70**

ILC Peripherals Leasing Corp. v. International Business

PAGE

Mach. Corp. *908–09*
I.T.T. Continental Baking Co., Melamed v. *935*
Imbler v. Pachtman 945–51
In re April 1977 Grand Jury Subpoenas *931–42*, 1316–17
In re December 1974 Term Grand Jury Investigation .. *1317–19*
In re Grand Jury *1319–20*
In re Griffiths *1477–79*
In re Halkin 1550–60
In re Master Key Litigation . *1755–56*
In re Primus 185–200
In re U.S. Financial Sec. Litigation *737–39*
Ins. Agents, Alabama Ass'n of, v. Board of Governors of Fed. Reserve Sys. **798**
International Business Mach. Corp., ILC Peripherals Leasing Corp. v. *908–09*
International Carbide Corp., Radial Lip Mach., Inc. v. . *913*
International Harvester Co., United States v. *510–11*
International Shoe Co. v. Washington *730*
Investment Co. Inst. v. Camp **799–802**
Iowa S. Utils. Co., Peter Kiewit Sons' Co. v. *1087–88*
Islip, Assessor of the Town of, Hellerstein v. **1704–05, 1714–15, 1719–20, 1723–32, 1742–45**

Jenkins, United States v. 110–12
Jordan, Edelman v. 323–25

KQED, Inc., Houchins v. 174–85
Katchen v. Landy *904*
Kaufman v. Diversified Indus., Inc. **1423–25**
Kelly, Goldberg v. *420*
Kennedy v. Mendoza-Martinez *1303–06*
Ker v. California 927–29
Keyishian v. Board of Regents *882*
Kiewit Sons' Co., Peter, v. Iowa S. Utils. Co. *1087–88*
Kraemer, Shelley v. 143–44
Kroger, Owen Equipment & Erection Co. v. 241–53

Lafayette, City of, v. Louisiana Power & Light Co. 277–88
Landy, Katchen v. *904*
LaRiche, United States v. ... *1763*
LaSalle Nat'l Bank, United States v. *1324–30*
Lewis, United States v. 1790–800
Liles, United States v. 1793–95
Livesay, Coopers & Lybrand v. 232–41
Lochner v. New York 96–99
Lockett v. Ohio 99–108
Lopez, Goss v. *421–22*
Lora v. Board of Educ. *1113*
Los Angeles, City of, Dep't of Water & Power v. Manhart 299–311
Louisiana Power & Light Co., City of Lafayette v. 277–88

M.P.M., Inc., United States v. *509*
McCrary, Runyon v. *886–88*
McDonnell, Wolf v. *421*
MacDonald, United States v. . 239
Madison, City of, Dean Milk Co. v. 62–66
Madison Fund, Inc. v. The Charter Co. **1425–27**
Madison, Township of, Oakwood at Madison, Inc. v. .. **1711**
Maher v. Roe *701, 893–94*
Manhart, City of Los Angeles, Dep't of Water & Power v. 299–311
Marshall v. Barlow's, Inc. .. *210–22*
Martin v. Davis *1484–88*
Maryland, Governor of, Exxon Corp. v. 66–75
Master Key Litigation, *In re* . 1755–56
Mathews v. Eldridge *421*
Matteo, Barr v. 265–76
Matthewson, Satterlee v. 92–93
Mauclet, Nyquist v. **875–76,** *1536–37*
Meachum v. Fano *419–20, 422*
Melamed v. I.T.T. Continental Baking Co. *935*
Mendoza-Martinez, Kennedy v. *1303–06*
Meskill, Horton v. **1705–08**
Mills v. Board of Educ. *1104–05*
Mitchell, Helvering v. *1303–04*
Monell v. Department of Social Servs. 311–26, *489–90*
Monroe v. Pape 311–26
Morgan Guaranty Trust Co., United States v. ... *1323, 1326, 1328*
Morissette v. United States .. *1239*

PAGE

Morrissey v. Brewer *420–21*
Motorola, Inc., Nelson Radio & Supply Co. v. *479–82*
Mt. Laurel, Township of, Southern Burlington County NAACP v. **1709–11, 1718–20, 1737–46**
Mow Sung Wong, Hampton v. **873–77**
Municipal Court, Camara v. .. *218–20*

NAACP v. Button 166
NAACP, Southern Burlington County v. Township of Mt. Laurel **1709–11, 1718–20, 1737–46**
NLRB, Brockway Motor Trucks v. 768–80
NLRB, Fibreboard Paper Prods. Corp. v. 772–73
Nappi, Stuart v. *1107*
Nashville Gas Co. v. Satty .. 760–63
National Citizens Committee For Broadcasting, FCC v. .. 1809
National League of Cities v. Usery **9**, 279–88, *344–45*
Neiberger, United States v. ... *934*
Nelson Radio & Supply Co. v. Motorola, Inc. *479–82*
New Hampshire, Chaplinsky v. 154–157
New Hampshire, Sweezy v. .. *881–83*
New Jersey, City of Philadelphia v. 57–66
New Jersey, United States Trust Co. v. 86–87, 93–95
New York, Lochner v. 96–99
New York Tel. Co., United States v. 921
94th St. & Fifth Ave. Corp., Girard v. *474–76*
Norwick, Ambach v. *1535–37*
Novotny v. Great Am. Fed. Sav. & Loan Ass'n *476–77*
Nyquist, Committee for Pub. Educ. & Religious Liberty v. *706–09*
Nyquist v. Mauclet **875–76**, *1536–37*

Oakwood at Madison, Inc. v. Township of Madison **1711**
Occupational Safety & Health Review Comm'n, Atlas Roofing Co. v. *904*

PAGE

O'Connor, United States v. .. *1321*
Ohio, Lockett v. 99–108
Ohio State Bar Ass'n, Ohralik v. 185–200
Ohralik v. Ohio State Bar Ass'n 185–200
Oklahoma Press Publishing Co. v. Walling *1287–88*
Orbeck, Hicklin v. 82–86
Oreck Corp. v. Whirlpool Corp. 1160–69
Oregon v. Hess *343–44*
Owen Equipment & Erection Co. v. Kroger 241–53

Pachtman, Imbler v. 945–51
Pacifica Foundation, FCC v. .. 148–63
Pape, Monroe v. 311–26
Park, United States v. *1262–63*
Parker v. Brown 277–88, *1139*
Parklane Hosiery Co. v. Shore *902, 1351*
Passman, Davis v. 745–56
Paul v. Davis *419*
Paul, Florida Lime & Avocado Growers, Inc. v. **875**
Pell v. Procunier 174–85
Penn Central Transp. Co. v. City of New York *222–32*
Pennsylvania, Pennsylvania Ass'n for Retarded Children v. *1104–05, 1120–21*
Pennsylvania Ass'n for Retarded Children v. Pennsylvania *1104–05, 1120–21*
People v. Wheeler 1770–89
Perez v. United States **1218–21**
Peter Kiewit Sons' Co. v. Iowa S. Utils. Co. *1087–88*
Philadelphia, City of, v. New Jersey 57–66
Philadelphia Nat'l Bank, United States v. *496*
Phillips Petroleum Co., Shutts v. *728–29, 735*
Pike v. Bruce Church *1143–45*
Piphus, Carey v. **870–73**
Poller v. Columbia Broadcasting System **672**
Priest, Serrano v. **1705–08, 1715–18, 1720–21, 1733–37, 1741–43, 1747**
Primus, *In re* 185–200

PAGE
Procunier, Pell v. 174–85
Prudential Ins. Co. v. SEC .. **854–60**
Pugh, Alabama v. 325–26

Rackin v. University of Pa. .. *472–74*
Radial Lip Mach., Inc. v. International Carbide Corp. . *913*
Ramirez, Richardson v. *1529–30*
Regents of the Univ. of Cal. v. Bakke **9–10, 12–14, 40–42,** 131–48, 306, **864–77,** *882–85, 1391*
Reid v. Colorado 64–65
Reserve Mining Co., United States v. *1309–10*
Rhodes, Allied Artists Pictures Corp. v. *1128–47*
Rhodes, Scheuer v. 265–76
Richardson v. Ramirez *1529–30*
Richardson, Tilton v. *703–04*
Robinson v. Bergstrom 943–51
Rodriguez, San Antonio School Dist. v. **1698–700**
Roe, Maher v. *701, 893–894*
Roe v. Wade **11–12**
Rogers v. United States *1753–54*
Rogers & Rogers, United States v. *1084–85*
Ross v. Bernhard *901, 903*
Runyon v. McCrary *886–88*
Ryan, United States v. *936, 941*

San Antonio School Dist. v. Rodriguez **1698–700**
Sabbath v. United States 927
St. Pierre, United States v. ... *1760–61*
Santora, United States v. 919–30
Satterlee v. Matthewson 92–93
Satty, Nashville Gas Co. v. .. 760–63
Saxbe v. Washington Post Co. 174–85
Scheuer v. Rhodes 265–76
Scott, United States v. 110–17
Seattle, City of, See v. *215–17*
See v. City of Seattle *215–17*
Seldin, Warth v. 262
Semayne's Case 927
SEC, Prudential Ins. Co. v... **854–60**
SEC v. United Benefit Life Ins. Co. **854–60**
SEC v. Variable Annuity Life Ins. Co. of America **854–60**
Serrano v. Priest **1705–08, 1715–18, 1720–21, 1733–37, 1741–43, 1747**

PAGE
Shaffer v. Heitner *720, 730*
Shaw, Town of, Hawkins v. **1697–701, 1703, 1712–15, 1719–20, 1723–32, 1742–45**
Shell Oil Co. v. Train 1814–25
Shelley v. Kraemer 143–44
Sherbert v. Verner *892–94*
Shore, Parklane Hosiery Co. v. *902, 1351*
Shutts v. Phillips Petroleum Co. *728–29, 735*
Six Unknown Named Agents of Federal Bureau of Narcotics, Bivens v. 745–56
Soares, Commonwealth v. ... 1770–89
Southern Burlington County NAACP v. Township of Mt. Laurel **1709–11, 1718–20, 1737–46**
Spannaus, Allied Structural Steel Co. v. 86–99
Spaulding v. Vilas 265–76
Staats, Eli Lilly & Co. v. 1148–59
Stanford Dailey, Zurcher v. .. 200–10
Stanley, Tights, Inc. v. *906*
State Bar, Bates v. ...277–88, *1473–75*
Strickland, Wood v. 271
Structural Steel Co., Allied, v. Spannaus 86–99
Stuart v. Nappi *1107*
Sugarman, Wilder v. *711*
Swain v. Alabama 1770–72
Sweezy v. New Hampshire ... *881–83*

Tax Comm'n, Walz v. *710–11*
Texas, Burgett v. 1795–98
Tights, Inc. v. Stanley *906*
Tilton v. Richardson *703–04*
Tot v. United States **1199–202**
Town of Islip, Assessor of the, Hellerstein v. **1704–05, 1714–15, 1719–20, 1723–32, 1742–45**
Town of Shaw, Hawkins v. **1697–701, 1703, 1712–15, 1719–20, 1723–32, 1742–45**
Township of Madison, Oakwood at Madison, Inc. v. . **1711**
Township of Mt. Laurel, Southern Burlington County NAACP v. **1709–11, 1718–20, 1737–46**
Train, Shell Oil Co. v. 1814–25

PAGE

Turner v. United States **1207–08, 1217–20**

Usery, National League of Cities v. **9**, 279–88, *344–45*
United Air Lines, Inc. v. Evans 757–67
United Benefit Life Ins. Co., SEC v. **854–60**
United Mine Workers v. Gibbs 243–53
United States v. Agrusa 929
United States, Alexander v. .. *936*
United States v. Allen 1793–95
United States v. Allied Chemical Corp. *1309–10*
United States v. Anaconda Co. *1362–64*
United States v. Anderson .. 459–61
United States, Barenblatt v. . *882*
United States, Barnes v. **1214–15**
United States v. Bechtel Corp. *1440–59*
United States, Bellis v. *1281*
United States, Boyd v. *1287*
United States v. Brewster ... 456–61
United States, Brown Shoe Co. v. *495*
United States, Burks v. ... 109–10, 117
United States v. Carolene Prods. Co. **5–10**
United States, Cement Mfrs. Protective Ass'n v. 290
United States v. Chiarella ... 1539–49
United States v. Citizens & S. Nat'l Bank *504*
United States, Cobbledick v. . *931–42*
United States v. Consolidated Foods Corp. *507*
United States v. Container Corp. of America 289–90
United States, Donaldson v. . *1321–22, 1331–33*
United States v. Fields *1338–40*
United States v. Finazzo 919–30
United States v. Gainey **1202–06**
United States v. General Dynamics Corp. *499–513*
United States, General Motors Corp. v. *931–42*, 1316–17
United States v. Genser *1332*
United States v. Gilmore *1590–91*
United States v. Graves 1793–95
United States, Hashagen v. .. *1755*
United States v. Healthco ... *506*

PAGE

United States, Hewlett-Packard Co. v. 1150–51
United States v. International Harvester Co. *510–11*
United States v. Jenkins 110–12
United States v. LaRiche *1763*
United States v. LaSalle National Bank *1324–30*
United States v. Lewis 1790–800
United States v. Liles 1793–95
United States v. M.P.M., Inc. . *509*
United States v. MacDonald . 239
United States v. Morgan Guaranty Trust Co. *1323, 1326, 1328*
United States, Morissette v. .. *1239*
United States v. Neiberger ... *934*
United States v. New York Tel. Co. 921
United States v. O'Connor *1321*
United States v. Park *1262–63*
United States, Perez v. **1218–21**
United States v. Philadelphia Nat'l Bank *496*
United States v. Reserve Mining Co. *1309–10*
United States, Rogers v. *1753–54*
United States v. Rogers & Rogers *1084–85*
United States v. Ryan *936, 941*
United States, Sabbath v. 927
United States v. St. Pierre ... *1760–61*
United States v. Santora 919–30
United States v. Scott 110–17
United States, Tot v. **1199–202**
United States, Turner v. **1207–08, 1217–20**
United States v. United States Gypsum Co. .. 288–98, *1239–41, 1260*
United States v. Von's Grocery Co. *497–98*
United States v. White *1280–81, 1282*
United States, Wilson v. *1280*
United States, Yee Hem v. .. **1210–11**
U.S. Financial Sec. Litigation, *In re* *737–39*
United States Gypsum Co., United States v. 288–98, *1239–41, 1260*
United States Trust Co. v. New Jersey 86–87, 93–95
Univ. of Cal., Regents of the,

PAGE

v. Bakke **9–10, 12–14, 40–42**, 131–48, 306, **864–77**, *882–85, 1391*
University of Ill. Foundation, Blonder-Tongue Laboratories, Inc. *1350–51*
University of Pa., Rackin v. . *472–74*

Valeo, Buckley v. 168, 171–72, 454–55, *889–90*
Variable Annuity Life Ins. Co. of America, SEC v. **854–60**
Verner, Sherbert v. *892–94*
Vilas, Spaulding v. 265–76
Virginia State Bar, Goldfarb v. 277–88, *1474–75*
Von's Grocery Co., United States v. *497–98*

WIOO, Inc., William B. Tanner Co. v. **1415–16**
Wade, Roe v. **11–12**
Wainwright, Gideon v. 1796–97
Walling, Oklahoma Press Publishing Co. v. *1287–88*
Walz v. Tax Comm'n *710–11*
Warth v. Seldin 262

PAGE

Washington, Arizona v. 117–20
Washington, International Shoe Co. v. *730*
Washington Post Co., Saxbe v. 174–85
Washington State Apple Advertising Comm'n, Hunt v. . 70
Westinghouse Broadcasting Co., Gardner v. 232–41
Westover, Beacon Theatres, Inc. v. *900–01*
Wheeler, People v. 1770–89
Whirlpool Corp., Oreck Corp. v. 1160–69
White, United States v. . *1280–81, 1282*
Wilder v. Sugarman *711*
William B. Tanner Co. v. WIOO, Inc. **1415–16**
Wilson v. United States *1280*
Wolf v. McDonnell *421*
Wood, Dairy Queen, Inc. v. .. *901–03*
Wood v. Strickland 271

Yee Hem v. United States ... **1210–11**
Young v. American Mini Theaters, Inc. 158–59

Zurcher v. Stanford Daily ... 200–10

ERRATA

Page 259, footnote 53, second line. For "note 36," read "note 24."

Page 291, footnote 14, second line. For "Justice Stewart," read "Justice Powell."

Page 546, fourteenth line. For "Toucredi," read "Tancredi."

Page 660, Appendix B, third entry. For "State prison population, 1978," read "State prison population, 1976."

Page 661, Appendix B, first entry. For "Percentage of prisoner § 1983 cases terminated before issue joined," read "Percentage of prisoner § 1983 cases terminated before issue joined, 1976."

Page 1175, footnote 6, ninth line. For "Board of Regents v. Bakke," read "Regents of the Univ. of Cal. v. Bakke."

Page 1397, footnote 2, third line. For "TAN 25–27," read "pp. 1400–01."

Page 1446, footnote 37, sixteenth line. For "TAN 44," read "p. 1448."

Page 1449, footnote 58, third line. Delete the semicolon between "states" and "claim."

Page 1466, footnote 24, fifth line. For "TAN *infra* 86–89," read "p. 1476 *infra*."

Page 1468, footnote 40. For "TAN 31," read "p. 1467."

Page 1557, footnote 57. For "TAN 29a," read "p. 1553 *supra*."